

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, et al.,

Defendants.

Adv. Pro. No. 09-01364 (SMB)

STIPULATION AND ORDER

Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, defendant HSBC Bank plc (“HSBC PLC”), and non-party Brian Pettitt (together, the “Parties”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on May 24, 2019, the Trustee filed a motion seeking the issuance of a Letter of Request for the testimony of Mr. Pettitt, a citizen of the United Kingdom (ECF No. 526) (the “Motion”);

WHEREAS, HSBC PLC and Mr. Pettitt opposed the Motion on the bases of the scope and relevance of the proposed Letter of Request;

WHEREAS, the Parties fully briefed the Motion and on June 24, 2020, appeared for a hearing before this Court;

WHEREAS, the Court directed the Trustee to clarify certain definitions used in the Letter of Request and resubmit that Letter of Request for the Court’s review;

WHEREAS, the Parties have agreed to proceed with Mr. Pettitt’s examination on the terms set forth herein, obviating the need for this Court’s issuance of the Letter of Request.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel that:

1. Mr. Pettitt’s examination shall proceed as a U.S.-style deposition of a non-party witness under Federal Rule of Civil Procedure 30, including its limitations on duration, and shall be subject to the Federal Rules of Evidence.
2. Mr. Pettitt’s deposition will be conducted at a date, time, and location to be agreed upon by the Parties however, Mr. Pettitt shall not be required, absent his consent, to attend his deposition in person. The deposition shall be conducted by acceptable remote electronic means to be agreed upon by the Parties.
3. Mr. Pettitt’s deposition will be limited in scope to the categories set forth in the Letter of Request, as revised in accordance with the Court’s directive. The revised Letter of Request is attached hereto as Exhibit 1.

4. The Motion is withdrawn.

Dated: August 25, 2020
New York, New York

/s/ Oren J. Warshavsky

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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
of Bernard L. Madoff*

/s/ Thomas J. Moloney

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Attorneys for HSBC Bank PLC and Brian Pettitt

SO ORDERED:

Dated: August 25, 2020
New York, New York

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE